



General Assembly

January Session, 2007

Raised Bill No. 1433

LCO No. 5513

05513_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING ALCOHOL EDUCATION AND TREATMENT
FOR PERSONS ARRESTED FOR DRUNKEN DRIVING.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (f) of section 54-56g of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2007*):

4 (f) The provisions of this section shall not be applicable in the case of
5 any person charged with a violation of section 14-227a while operating
6 a commercial motor vehicle, as defined in section 14-1, [, or who is the
7 holder of a commercial driver's license, as defined in section 14-1.]

8 Sec. 2. Subsection (b) of section 54-56g of the general statutes is
9 repealed and the following is substituted in lieu thereof (*Effective*
10 *October 1, 2007*):

11 (b) The court, after consideration of the recommendation of the
12 state's attorney, assistant state's attorney or deputy assistant state's
13 attorney in charge of the case, may, in its discretion, grant such
14 application. If the court grants such application, it shall refer such

15 person to the Court Support Services Division for assessment and
16 confirmation of the eligibility of the applicant and to the Department
17 of Mental Health and Addiction Services for evaluation. The Court
18 Support Services Division, in making its assessment and confirmation,
19 may rely on the representations made by the applicant under oath in
20 open court with respect to convictions in other states of offenses
21 specified in subsection (a) of this section. Upon confirmation of
22 eligibility and receipt of the evaluation report, the defendant shall be
23 referred to the Department of Mental Health and Addiction Services
24 by the Court Support Services Division for placement in an
25 appropriate alcohol intervention program for one year, or be placed in
26 a state-licensed substance abuse treatment program. Any person who
27 enters the system shall agree: (1) To the tolling of the statute of
28 limitations with respect to such crime, (2) to a waiver of such person's
29 right to a speedy trial, (3) to complete ten or fifteen counseling sessions
30 in an alcohol intervention program or successfully complete a
31 substance abuse treatment program of not less than twelve sessions
32 pursuant to this section dependent upon the evaluation report and the
33 court order, (4) upon completion of participation in the alcohol
34 intervention program, to accept placement in a treatment program
35 upon recommendation of a provider under contract with the
36 Department of Mental Health and Addiction Services pursuant to
37 subsection (d) of this section or placement in a state-licensed treatment
38 program which meets standards established by the Department of
39 Mental Health and Addiction Services, if the Court Support Services
40 Division deems it appropriate, (5) upon completion of the assigned
41 program or programs, to participate in monthly follow-up sessions
42 during the one-year placement period, and [(5)] (6) if ordered by the
43 court, to participate in at least one victim impact panel. The suspension
44 of the motor vehicle operator's license of any such person pursuant to
45 section 14-227b shall be effective during the period such person is
46 participating in such program, provided such person shall have the
47 option of not commencing the participation in such program until the
48 period of such suspension is completed. If the Court Support Services

49 Division informs the court that the defendant is ineligible for the
50 system and the court makes a determination of ineligibility or if the
51 program provider certifies to the court that the defendant did not
52 successfully complete the assigned program or is no longer amenable
53 to treatment, the court shall order the court file to be unsealed, enter a
54 plea of not guilty for such defendant and immediately place the case
55 on the trial list. If such defendant satisfactorily completes the assigned
56 program, such defendant may apply for dismissal of the charges
57 against such defendant and the court, on reviewing the record of the
58 defendant's participation in such program submitted by the Court
59 Support Services Division and on finding such satisfactory completion,
60 shall dismiss the charges. If the defendant does not apply for dismissal
61 of the charges against such defendant after satisfactorily completing
62 the assigned program the court, upon receipt of the record of the
63 defendant's participation in such program submitted by the Court
64 Support Services Division, may on its own motion make a finding of
65 such satisfactory completion and dismiss the charges. Upon motion of
66 the defendant and a showing of good cause, the court may extend the
67 one-year placement period for a reasonable period for the defendant to
68 complete the assigned program. A record of participation in such
69 program shall be retained by the Court Support Services Division for a
70 period of seven years from the date of application. The Court Support
71 Services Division shall transmit to the Department of Motor Vehicles a
72 record of participation in such program for each person who
73 satisfactorily completes such program. The Department of Motor
74 Vehicles shall maintain for a period of seven years the record of a
75 person's participation in such program as part of such person's driving
76 record. The Court Support Services Division shall transmit to the
77 Department of Environmental Protection the record of participation of
78 any person who satisfactorily completes such program who has been
79 charged with a violation of the provisions of section 15-133, 15-140l or
80 15-140n. The Department of Environmental Protection shall maintain
81 for a period of seven years the record of a person's participation in
82 such program as a part of such person's boater certification record.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	54-56g(f)
Sec. 2	<i>October 1, 2007</i>	54-56g(b)

Statement of Purpose:

To permit a person who holds a commercial driver's license to apply for the pretrial alcohol education program if such person is arrested for drunken driving while driving a motor vehicle other than a commercial motor vehicle and to authorize monthly follow-up classes for persons participating in the pretrial alcohol education program after completion of an alcohol intervention program or substance abuse treatment program.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]